

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMY WIGINTON, KRISTINE MORAN,)	
NORMA PLANK FETTLER as successor in)	
interest to Dondi Plank, ANDREA COREY)	Case No.: 02 CV 6832
and OLIVIA KNAPP, individually and on)	
behalf of all persons similarly situated)	Judge Wayne R. Andersen
)	Magistrate Judge Martin C. Ashman
Plaintiffs,)	
v.)	
)	
CB RICHARD ELLIS, INC.,)	
)	
Defendant.)	

**PLAINTIFFS AND CB RICHARD ELLIS, INC.’S JOINT MOTION FOR
CERTIFICATION OF A SETTLEMENT CLASS, PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENT, AND APPROVAL OF NOTICE PLAN**

Plaintiffs Amy Wiginton, Kristine Moran, Norma Plank Fethler, as Successor in Interest to Dondi Plank, Andrea Corey and Olivia Knapp (“Plaintiffs”), on behalf of themselves and the proposed Settlement Class Members, (as defined in the Settlement Agreement and below), together with Defendant CB Richard Ellis, Inc. (“Defendant” or “CBRE,” referred to collectively with Plaintiffs as “the Parties”), through their respective counsel, hereby bring their Motion for Certification of a Settlement Class, Preliminary Approval of Class Action Settlement Agreement, and Approval of Notice Plan (“Motion”), and state as follows:

1. Plaintiffs brought this action in 2002 on behalf of themselves and a class of current and former female employees of CBRE alleging that CBRE subjected the alleged class to a hostile work environment in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C § 2000 et seq. (“Title VII”).

2. After years of contentious litigation, leading to extensive and arm's-length negotiations, the Parties reached a proposed Settlement which, if granted approval by the Court,

will provide fair, reasonable, and adequate relief to members of the Settlement Class as a whole. The Settlement Agreement contains three key components: (1) a three-tiered monetary claim structure; (2) equitable relief; and (3) a substantial charitable contribution. The Consent Decree also requires CBRE to directly pay Plaintiffs' counsel's attorneys' fees and costs and for direct Notice to the Settlement Class and Settlement administration costs. *See* Exhibit 1 of Plaintiffs' Memorandum in Support of the Parties' Joint Motion ("Plaintiffs' Memorandum"), filed contemporaneously herewith.

3. As demonstrated in Plaintiffs' Memorandum, the Settlement Class sought by the Parties meets all of the requirements of Federal Rule of Civil Procedure 23(a), (b)(2) and (b)(3), making certification of such Class appropriate for settlement purposes.

4. The Proposed Settlement is likewise entitled to preliminary approval. In short, the proposed Settlement is well within the *range* of what might later be found to be fair, reasonable, and adequate. *See Armstrong v. Board of Sch. Dirs.*, 616 F.2d 305, 314 (7th Cir. 1980) (citing *Manual for Complex Litigation*, §1.46, at 53-55 (West 1977)) (footnote omitted). The Proposed Settlement has no deficiencies and is the result of serious, non-collusive negotiations that took place after extensive discovery and litigation over several years. The Parties' request that the Settlement be preliminarily approved should therefore be granted.

5. The Parties' proposed Notice and Notice Plan, as explained fully in the attached Memorandum and in the Settlement Agreement, comports with due process and the Rule 23 requirements for issuing notice to Class members. The proposed Notice is clear, precise and informative. The Notice Plan is likewise comprehensive and will be administered by Rust Consulting, an independent Claims Administrator. Direct Notice will be sent to Settlement Class Members by U.S. mail to their last known addresses, along with tracing current addresses for

Settlement Class Members whose Notices are returned as undeliverable. Approval should be granted to this comprehensive, easily understandable, direct-mail Notice plan. *See Air Lines Stewards and Stewardesses Ass'n Local 550 v. American Airlines*, 455 F.2d 101, 108 (7th Cir. 1972).

WHEREFORE, the Parties move the Court, for good cause shown, to enter the attached Proposed Order

1. Granting Preliminary Approval of the Settlement;
 2. Certifying the Settlement Class;
 3. Certifying the Plaintiffs as representatives for the Settlement Class;
 4. Appointing Plaintiffs' counsel as Class Counsel and Wexler Toriseva Wallace LLP and Hagens Berman Sobol Shapiro LLP as Lead Class Counsel;
 5. Directing that notice be provided to the Class in accordance with the Notice Plan;
- and
6. Scheduling a Fairness Hearing and establishing all related deadlines.

Dated: October 4, 2007

Respectfully submitted,

CB RICHARD ELLIS, INC.,
Defendant

AMY WIGINTON, KRISTINE MORAN,
NORMA PLANK FETHLER as
Successor In Interest to Dondi Plank,
ANDREA COREY and OLIVIA KNAPP,
individually and on behalf of all persons
similarly situated,
Plaintiffs

By: /s/ Brenda H. Feis

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CERTIFICATE OF SERVICE

I, Kenneth A. Wexler, hereby certify that a copy of the foregoing *Plaintiffs' and CB Richard Ellis, Inc.'s Joint Motion for Certification of a Settlement Class, Preliminary Approval of Settlement Agreement* was electronically filed on October 4, 2007. Those attorneys who are registered with the Electronic Filing System may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's Electronic Filing System.

/s/ Kenneth A. Wexler
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